

I CERTIFY that the attached is a true and
correct copy of HB 1869, which
was read and passed on MAR 06 1989
and referred to the committee on
State Affairs
Lesly Murray
Chief Clerk of the House

1989 MAR 17 PM 2:05
HOUSE OF REPRESENTATIVES

FILED MAR 06 1989

By Lesly Murray

H. B. No. 1869

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a Child Care Advisory Board and to
using state-owned buildings for child care facilities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 110A, Revised Statutes, is amended by
adding Article 6252-3e to read as follows:

Art. 6252-3e. CHILD CARE ADVISORY BOARD

Sec. 1. DEFINITIONS. In this article:

(1) "Board" means the Child Care Advisory Board.

(2) "Capitol complex" means the area in Austin, Texas,
bounded on the south by Tenth Street, on the north by Martin Luther
King, Jr., Boulevard, on the west by Lavaca Street, and on the east
by Trinity Street.

(3) "Commission" means the State Purchasing and
General Services Commission.

Sec. 2. BOARD. (a) The Child Care Advisory Board is
established.

(b) The board is composed of the following persons or their
representatives:

(1) the governor;

(2) the attorney general;

(3) the state treasurer;

(4) the comptroller; and

(5) the commissioner of the General Land Office.

1 Sec. 3. DUTIES. The board shall develop and administer a
2 program to provide child care services for state employees who work
3 in state-owned buildings or the capitol complex. The board by rule
4 may establish methods to administer and supervise the program.

5 Sec. 4. FACILITY SITE. The board shall provide the
6 commission with specifications for a child care facility site that
7 include the location, size, and design for a facility, and shall
8 assist the commission in developing plans to make any necessary
9 repairs, renovations, or improvements to a site selected.

10 Sec. 5. CHILD CARE SERVICE STANDARDS. The board shall set
11 specific performance standards for child care services under the
12 program and prescribe the number of children a facility may serve.
13 The board shall monitor the activities and operations of a facility
14 by conducting regular visits to a facility during operating hours
15 to investigate, inspect, and evaluate the services provided.

16 Sec. 6. CHILD CARE PROVIDERS. (a) The commission shall
17 lease a state child care facility site to a child care provider
18 selected by the board. The board by rule may prescribe provisions
19 that must be included in a lease and provisions that may not be
20 included in a lease.

21 (b) A provider must:

22 (1) have proof of current liability insurance by an
23 insurance company approved by the State Board of Insurance;

24 (2) indemnify the state, the members of the board, and
25 the commission from any claim, demand, or cause of action asserted
26 by a person as a result of the operation of the facility or any act
27 or omission of the child care facility operator or personnel;

1 (3) provide any furniture, equipment, toys, or
2 materials necessary for a child care facility; and

3 (4) provide salaries and insurance for the child care
4 facility personnel.

5 Sec. 7. ENROLLMENT. (a) The board shall establish
6 procedures for application to attend and enrollment in a state
7 child care facility established under this article.

8 (b) Except as provided by Subsection (d) of this section,
9 the child care facility operator shall give preference in
10 enrollment by the date of application, with an earlier date of
11 application receiving preference over a later date of application.
12 The operator shall maintain a list of applicants who are waiting
13 for an opening in the facility.

14 (c) The board shall begin procedures to establish another
15 facility when the combined number of applicants on waiting lists to
16 enroll in a child care facility exceeds 49.

17 (d) The board may permit enrollment because of special
18 circumstances defined by the board, including financial need and
19 other special hardships.

20 Sec. 8. DONATIONS. The board may solicit private donations
21 of property or money to provide renovations, equipment, or other
22 items necessary to provide child care services. The commission
23 shall accept the donations for the program.

24 SECTION 2. Sections 4.15(a), (b), (c), (d), (e), (f), (h),
25 and (j), State Purchasing and General Services Act (Article 601b,
26 Vernon's Texas Civil Statutes), are amended to read as follows:

27 (a) The purpose of this section is to encourage the most

1 efficient use of valuable space in state office buildings and
2 parking garages, to serve the needs of the employees and visitors
3 in the buildings, to provide child care services for state
4 employees, and to enhance the social, cultural, and economic
5 environment in and near the buildings. Providing a site for a
6 child care facility in a state-owned building has first priority
7 over all other uses of a building, except for the purposes
8 essential to the official functions and duties of the agencies
9 housed in the building.

10 (b) In a state-owned building that is under the commission's
11 control and that is used primarily for office space or vehicle
12 parking for the state government, the commission may lease at fair
13 market value an amount of space to private tenants for commercial,
14 cultural, educational, or recreational activities. However, 30
15 days before executing a lease under this section, the commission
16 must submit a copy of the lease to the asset management division of
17 the General Land Office. During this 30-day period the asset
18 management division of the General Land Office shall submit written
19 comments to the commission concerning the lease. Comments
20 submitted by the asset management division of the General Land
21 Office shall be considered by the commission prior to executing the
22 lease. Under this section the commission may not lease any space
23 to a private tenant for use as private office space unless the
24 private office space is related and incidental to another
25 commercial, cultural, educational, [or] recreational, or child care
26 activity of the tenant in the building. Notwithstanding any other
27 provision in this Act, the commission shall lease suitable space in

1 state-owned buildings or the capitol complex to child care
2 providers selected by the Child Care Advisory Board, as provided by
3 Article 6252-3e, Revised Statutes.

4 (c) Except as provided by this section and Article 6252-3e,
5 Revised Statutes, the [The] commission shall determine the amount
6 of space in a building to be allocated to private tenants and the
7 types of activities in which the tenants may engage based on the
8 market for certain activities among employees and visitors in the
9 building and in the vicinity of the building. The amount of space
10 allocated to private tenants may not exceed 15 percent of the total
11 space in the building. Any space leased to provide child [day]
12 care services for state employees [~~of-the-building~~] shall not be
13 counted in the 15 percent maximum.

14 (d) If the commission allocates space in a building to a
15 private tenant, it shall do so in a manner that encourages the
16 tenant to use space with street frontage or in other areas of heavy
17 pedestrian activity; except that, if the commission allocates space
18 for the purpose of providing child [day] care service for state
19 employees [~~in--the--building~~], the commission shall designate
20 [~~encourage~~] the use of the space most appropriate for child [day]
21 care.

22 (e) The commission may furnish utilities and custodial
23 services to a private tenant, other than a child care provider, at
24 cost. The commission shall furnish utilities and custodial
25 services to a child care provider selected by the Child Care
26 Advisory Board at cost.

27 (f) The commission may lease space in a building after the

1 lease is negotiated with the tenant or after the tenant is selected
2 through a competitive bidding process. In either case, the
3 commission shall follow procedures that promote competition and
4 protect the interests of the state; except that, if the space is
5 leased for the purpose of providing child [day] care services for
6 state employees [ef--the-building], the Child Care Advisory Board
7 [commission] may select the child care provider [tenant] through
8 procedures other than competitive bidding.

9 (h) The commission may refuse to lease space to a person or
10 to permit an activity in the space if the commission considers the
11 refusal to be in the best interests of the state, except when the
12 Child Care Advisory Board has located and approved suitable space
13 for a child care facility in a state-owned building or the capitol
14 complex, in which case the commission may not refuse to lease the
15 space to that child care provider.

16 (j) The commission shall request the Texas Commission for
17 the Blind to determine under Section 94.003, Human Resources Code,
18 if it is feasible to install a vending facility in the building in
19 which the commission intends to lease space to a private tenant,
20 other than a child care provider. If the installation of the
21 facility is feasible, the commission shall permit the installation
22 in accordance with Chapter 94, Human Resources Code. If a vending
23 facility is installed, the commission may not lease any space in
24 the building to a tenant that the commission, after consultation
25 with the Texas Commission for the Blind, determines would be in
26 direct competition with the vending facility. If the Texas
27 Commission for the Blind determines that the installation of a

1 vending facility is not feasible, the commission shall lease space
2 to at least one private tenant whose activity in the building will
3 be managed by a blind person or by a handicapped person who is not
4 blind.

5 SECTION 3. Section 5.01, State Purchasing and General
6 Services Act (Article 601b, Vernon's Texas Civil Statutes), is
7 amended to read as follows:

8 Sec. 5.01. ACQUISITION, CONSTRUCTION, ETC.; AUTHORIZATION.

9 (a) Under such terms and conditions as may be provided by law, the
10 commission may acquire necessary real and personal property,
11 modernize, remodel, build, and equip buildings for state purposes,
12 and make contracts necessary to carry out and effectuate the
13 purposes herein mentioned in keeping with appropriations authorized
14 by the legislature. The commission shall not sell or dispose of
15 any real property of the state except by specific authority from
16 the legislature.

17 (b) A state-owned office building constructed after
18 September 1, 1989, that contains at least 100,000 square feet of
19 net usable space must include a child care facility approved by the
20 Child Care Advisory Board. The commission shall notify the Child
21 Care Advisory Board of a project to rehabilitate or renovate
22 substantially an existing state-owned office building containing at
23 least 100,000 square feet of net usable space before developing the
24 rehabilitation or renovation plan. Not later than the 30th day
25 after the date on which the Child Care Advisory Board receives the
26 notice, the board shall determine if a child care facility may be
27 included in the rehabilitation or renovation project. The

1 commission shall include a child care facility in the project if
2 the Child Care Advisory Board determines that the child care
3 facility should be included.

4 SECTION 4. (a) The Child Care Advisory Board shall conduct
5 its first board meeting not later than October 1, 1989.

6 (b) The board shall provide the State Purchasing and General
7 Services Commission with specifications for a child care facility
8 site not later than December 1, 1989.

9 (c) The commission shall provide the board with a list of
10 suitable sites for a child care facility based on the
11 specifications of the board not later than January 1, 1990.

12 (d) The board shall select a site from the list provided by
13 the commission not later than March 1, 1990. If the commission
14 cannot provide the board with a suitable site, the board shall
15 select a site in the capitol complex that the board considers
16 suitable.

17 (e) After a site has been selected, the board and the
18 commission shall implement, on a priority basis, the plans to
19 prepare the child care facility.

20 SECTION 5. This Act takes effect September 1, 1989.

21 SECTION 6. The importance of this legislation and the
22 crowded condition of the calendars in both houses create an
23 emergency and an imperative public necessity that the
24 constitutional rule requiring bills to be read on three several
25 days in each house be suspended, and this rule is hereby suspended.

Linebarger

By Leas Guerrero

Y. B. No. 1869

A BILL TO BE ENTITLED

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SECTION 1. Title 110A, Revised Statutes, is amended by adding Article 6252-3e to read as follows:

Art. 6252-3e. CHILD CARE ADVISORY BOARD

Sec. 1. DEFINITIONS. In this article:

(1) "Board" means the Child Care Advisory Board.

(2) "Capitol complex" means the area in Austin, Texas, bounded on the south by Tenth Street, on the north by Martin Luther King, Jr., Boulevard, on the west by Lavaca Street, and on the east by Trinity Street.

(3) "Commission" means the State Purchasing and General Services Commission.

Sec. 2. BOARD. (a) The Child Care Advisory Board is established.

(b) The board is composed of the following persons or their representatives:

(1) the governor;

(2) the attorney general;

(3) the state treasurer;

(4) the comptroller; and

(5) the commissioner of the General Land Office.

HOUSE COMMITTEE REPORT

89 MAY 16 PM 3:34
HOUSE OF REPRESENTATIVES

1st Printing

By Guerrero, et al.

H.B. No. 1869

Substitute the following for H.B. No. 1869:

By Guerrero

C.S.H.B. No. 1869

A BILL TO BE ENTITLED

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SECTION 1. Title 110A, Revised Statutes, is amended by adding Article 6252-3e to read as follows:

Art. 6252-3e. CHILD CARE ADVISORY BOARD

Sec. 1. DEFINITIONS. In this article:

(1) "Board" means the Child Care Advisory Board.

(2) "Commission" means the State Purchasing and General Services Commission.

Sec. 2. BOARD. (a) The Child Care Advisory Board is established.

(b) The board is composed of the following persons or their representatives:

(1) the governor;

(2) the lieutenant governor;

(3) the attorney general;

(4) the state treasurer;

(5) the comptroller;

(6) the commissioner of the General Land Office; and

(7) the executive director of the State Purchasing and General Services Commission.

Sec. 3. DUTIES. The board shall develop and administer a

1 program to provide child care services for state employees who work
2 in state-owned buildings. The board by rule may establish methods
3 to administer and supervise the program. The board shall submit a
4 report to the legislature each legislative session that summarizes
5 the development and progress of the child care services program.

6 Sec. 4. FACILITY SITE. The board shall provide the
7 commission with specifications for a child care facility site that
8 include the location, size, and design for a facility. The board,
9 with the cooperation of the commission, shall develop plans to
10 implement the repairs, renovations, and improvements that the board
11 considers necessary to provide child care facilities. The
12 commission shall give priority to making those repairs,
13 renovations, and improvements before making other building repairs,
14 renovations, or improvements.

15 Sec. 5. CHILD CARE SERVICE STANDARDS. The board shall set
16 specific performance standards for child care services under the
17 program and prescribe the number of children a facility may serve.
18 The board shall monitor the activities and operations of a facility
19 by conducting regular visits to a facility during operating hours
20 to investigate, inspect, and evaluate the services provided.

21 Sec. 6. CHILD CARE PROVIDERS. (a) The commission shall
22 lease a state child care facility site to a child care provider
23 selected by the board. The board by rule may prescribe provisions
24 that must be included in a lease and provisions that may not be
25 included in a lease.

26 (b) A provider must:

27 (1) obtain for the facility a license under Chapter

1 42, Human Resources Code;

2 (2) maintain proof of current liability insurance by
3 an insurance company approved by the State Board of Insurance in an
4 amount approved by the board;

5 (3) indemnify the state, the members of the board, and
6 the commission from any claim, demand, or cause of action asserted
7 by a person as a result of the operation of the facility or any act
8 or omission of the child care provider or the facility personnel;

9 (4) provide any furniture, equipment, toys, or
10 materials necessary for a child care facility; and

11 (5) provide salaries and insurance for the child care
12 facility personnel.

13 Sec. 7. ENROLLMENT. (a) The board shall establish
14 procedures for application to attend and enrollment in a state
15 child care facility established under this article.

16 (b) Except as provided by Subsection (c) of this section,
17 the child care provider shall give preference in enrollment by the
18 date of application, with an earlier date of application receiving
19 preference over a later date of application. The provider shall
20 maintain a list of applicants who are waiting for an opening in the
21 facility.

22 (c) The board may permit enrollment because of special
23 circumstances defined by the board, including financial need and
24 other special hardships.

25 Sec. 8. FUNDS AND DONATIONS. (a) The legislature may
26 appropriate funds from the Texas capital trust fund (Article 601e,
27 Vernon's Texas Civil Statutes) to establish and operate a child

1 care facility under this Act.

2 (b) The board may solicit private donations of property or
3 money to provide renovations, equipment, or other items necessary
4 to provide child care services. The commission shall accept and
5 use the donations only for the program.

6 Sec. 9. ADDITIONAL FACILITIES. (a) The board may begin
7 procedures to establish another child care facility when the number
8 of applicants on waiting lists to enroll in a child care facility
9 exceeds 49.

10 (b) The commission shall provide the board with a list of
11 sites available for a new or expanded child care facility not later
12 than the 120th day after the date on which the commission receives
13 from the board the specifications for a child care facility under
14 Section 4 of this Act.

15 (c) If the commission cannot provide the board with a
16 suitable site, the board shall select a site that the board
17 considers suitable.

18 (d) After a site has been selected, the commission shall
19 implement, as a first priority over other building construction,
20 repairs, or renovations, the plans to prepare the child care
21 facility.

22 SECTION 2. Section 4.15, State Purchasing and General
23 Services Act (Article 601b, Vernon's Texas Civil Statutes), is
24 amended to read as follows:

25 Sec. 4.15. LEASE OF SPACE TO PRIVATE TENANTS. (a) The
26 purpose of this section is to encourage the most efficient use of
27 valuable space in state office buildings and parking garages, to

1 serve the needs of the employees and visitors in the buildings, to
2 provide child care services for state employees, and to enhance the
3 social, cultural, and economic environment in and near the
4 buildings. Providing a site for a child care facility in a
5 state-owned building has first priority over all other uses of a
6 building, except for the purposes essential to the official
7 functions and duties of the agencies housed in the building.

8 (b) In a state-owned building that is under the commission's
9 control and that is used primarily for office space or vehicle
10 parking for the state government, the commission may lease at fair
11 market value an amount of space to private tenants for commercial,
12 cultural, educational, or recreational activities. However, 30
13 days before executing a lease under this section, the commission
14 must submit a copy of the lease to the asset management division of
15 the General Land Office. During this 30-day period the asset
16 management division of the General Land Office shall submit written
17 comments to the commission concerning the lease. Comments
18 submitted by the asset management division of the General Land
19 Office shall be considered by the commission prior to executing the
20 lease. Under this section the commission may not lease any space
21 to a private tenant for use as private office space unless the
22 private office space is related and incidental to another
23 commercial, cultural, educational, [~~or~~] recreational, or child care
24 activity of the tenant in the building. Notwithstanding any other
25 provision in this Act, the commission shall lease suitable space in
26 state-owned buildings to child care providers selected by the Child
27 Care Advisory Board, as provided by Article 6252-3e, Revised

1 Statutes.

2 (c) Except as provided by this section and Article 6252-3e,
3 Revised Statutes, the [The] commission shall determine the amount
4 of space in a building to be allocated to private tenants and the
5 types of activities in which the tenants may engage based on the
6 market for certain activities among employees and visitors in the
7 building and in the vicinity of the building. The amount of space
8 allocated to private tenants may not exceed 15 percent of the total
9 space in the building. Any space leased to provide child [day]
10 care services for state employees [~~of-the-building~~] shall not be
11 counted in the 15 percent maximum.

12 (d) If the commission allocates space in a building to a
13 private tenant, it shall do so in a manner that encourages the
14 tenant to use space with street frontage or in other areas of heavy
15 pedestrian activity; except that, if the commission allocates space
16 for the purpose of providing child [day] care service for state
17 employees [~~in--the--building~~], the commission shall designate
18 [~~encourage~~] the use of the space most appropriate for child [day]
19 care.

20 (e) The commission may furnish utilities and custodial
21 services to a private tenant, other than a child care provider, at
22 cost. The commission shall furnish utilities and custodial
23 services to a child care provider selected by the Child Care
24 Advisory Board at cost.

25 (f) The commission may lease space in a building after the
26 lease is negotiated with the tenant or after the tenant is selected
27 through a competitive bidding process. In either case, the

commission shall follow procedures that promote competition and protect the interests of the state; except that, if the space is leased for the purpose of providing child ~~[day]~~ care services for state employees ~~[of-the-building]~~, the Child Care Advisory Board, in its sole discretion, ~~[commission]~~ may select the child care provider ~~[tenant]~~ through procedures other than competitive bidding.

(g) The commission may permit a private tenant to sublease or assign part or all of the space the tenant leases. However, the commission must approve in writing all subleases and assignments of leases. The Child Care Advisory Board must also approve in writing a sublease or assignment of the lease, if the private tenant is a child care provider.

(h) The commission may refuse to lease space to a person or to permit an activity in the space if the commission considers the refusal to be in the best interests of the state, except when the Child Care Advisory Board has located and approved suitable space for a child care facility in a state-owned building, in which case the commission may not refuse to lease the space to that child care provider.

(i) The commission shall deposit lease revenue in the State Treasury to the credit of the General Revenue Fund. The revenue may be used only for building and property services performed by the commission.

(j) The commission shall request the Texas Commission for the Blind to determine under Section 94.003, Human Resources Code, if it is feasible to install a vending facility in the building in

1 which the commission intends to lease space to a private tenant,
 2 other than a child care provider. If the installation of the
 3 facility is feasible, the commission shall permit the installation
 4 in accordance with Chapter 94, Human Resources Code. If a vending
 5 facility is installed, the commission may not lease any space in
 6 the building to a tenant that the commission, after consultation
 7 with the Texas Commission for the Blind, determines would be in
 8 direct competition with the vending facility. If the Texas
 9 Commission for the Blind determines that the installation of a
 10 vending facility is not feasible, the commission shall lease space
 11 to at least one private tenant whose activity in the building will
 12 be managed by a blind person or by a handicapped person who is not
 13 blind.

14 (k) The space leased to a private tenant is subject to ad
 15 valorem taxation in accordance with Subsection (d), Section 11.11,
 16 Tax Code, as amended. However, if the private tenant would be
 17 entitled to an exemption from taxation of the space if the tenant
 18 owned the space instead of leasing it, or if the tenant uses the
 19 space for a child care facility, the space is not subject to
 20 taxation.

21 SECTION 3. Section 5.01, State Purchasing and General
 22 Services Act (Article 601b, Vernon's Texas Civil Statutes), is
 23 amended to read as follows:

24 Sec. 5.01. ACQUISITION, CONSTRUCTION, ETC.; AUTHORIZATION.

25 (a) Under such terms and conditions as may be provided by law, the
 26 commission may acquire necessary real and personal property,
 27 modernize, remodel, build, and equip buildings for state purposes,

1 and make contracts necessary to carry out and effectuate the
2 purposes herein mentioned in keeping with appropriations authorized
3 by the legislature. The commission shall not sell or dispose of
4 any real property of the state except by specific authority from
5 the legislature.

6 (b) The Child Care Advisory Board shall determine if a child
7 care facility may be included in a state-owned office building
8 constructed after September 1, 1989, that contains at least 100,000
9 square feet of net usable space and shall notify the commission of
10 that determination. The commission shall notify the Child Care
11 Advisory Board of a project to rehabilitate or renovate
12 substantially an existing state-owned office building containing at
13 least 100,000 square feet of net usable space before developing the
14 rehabilitation or renovation plan. Not later than the 30th day
15 after the date on which the Child Care Advisory Board receives the
16 notice, the board shall determine if a child care facility may be
17 included in the rehabilitation or renovation project and shall
18 notify the commission of that determination. The commission shall
19 include a child care facility in a construction, rehabilitation, or
20 renovation project if the Child Care Advisory Board determines that
21 the child care facility should be included.

22 SECTION 4. (a) The Child Care Advisory Board shall conduct
23 its first board meeting not later than October 1, 1989.

24 (b) The board shall provide the State Purchasing and General
25 Services Commission with specifications for a child care facility
26 site not later than December 1, 1989.

27 (c) The commission shall provide the board with a list of

1 suitable sites for a child care facility based on the
2 specifications of the board not later than January 1, 1990.

3 (d) The board shall select a site from the list provided by
4 the commission not later than March 1, 1990. If the commission
5 cannot provide the board with a suitable site, the board shall
6 select a site that the board considers suitable.

7 (e) After a site has been selected, the board and the
8 commission shall implement, on a priority basis, the plans to
9 prepare the child care facility.

10 SECTION 5. This Act takes effect September 1, 1989.

11 SECTION 6. The importance of this legislation and the
12 crowded condition of the calendars in both houses create an
13 emergency and an imperative public necessity that the
14 constitutional rule requiring bills to be read on three several
15 days in each house be suspended, and this rule is hereby suspended.

COMMITTEE REPORT

The Honorable Gib Lewis
Speaker of the House of Representatives

5-10-89

(date)

Sir:

We, your COMMITTEE ON STATE AFFAIRS,

to whom was referred HB 1869 have had the same under consideration and beg to report
(measure)

back with the recommendation that it

() do pass, without amendment.

() do pass, with amendment(s).

☒ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. ☒ yes () no

An actuarial analysis was requested. () yes ☒ no

An author's fiscal statement was requested. () yes ☒ no

A criminal justice policy impact statement was prepared. () yes ☒ no

A water development policy impact statement was requested. () yes ☒ no

() The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars for placement on the () Local, () Consent, or () Resolutions Calendar.

This measure () proposes new law. ☒ amends existing law.

House Sponsor of Senate Measure _____

The measure was reported from Committee by the following vote:

| | AYE | NAY | PNV | ABSENT |
|----------------|-------------------------------------|-----|-----|-------------------------------------|
| Laney, Ch. | <input checked="" type="checkbox"/> | | | |
| Guerrero, V.C. | <input checked="" type="checkbox"/> | | | |
| Tallas, C.B.O. | | | | <input checked="" type="checkbox"/> |
| Cain | | | | <input checked="" type="checkbox"/> |
| Gibson | | | | <input checked="" type="checkbox"/> |
| Harrison | | | | <input checked="" type="checkbox"/> |
| Hilbert | <input checked="" type="checkbox"/> | | | |
| Hury | | | | <input checked="" type="checkbox"/> |
| Jones | <input checked="" type="checkbox"/> | | | |
| Oakley | <input checked="" type="checkbox"/> | | | |
| Perez | <input checked="" type="checkbox"/> | | | |
| Saunders | <input checked="" type="checkbox"/> | | | |
| Smith, T. | | | | <input checked="" type="checkbox"/> |
| | | | | |
| | | | | |

Total

7 aye

0 nay

0 present, not voting

6 absent

Gib Lewis
CHAIRMAN

Debrah K. Wall
COMMITTEE COORDINATOR

By: Guerrero

CSHB1869

By: Guerrero

BILL ANALYSIS

Background

There is no current provision which would allow the state to lease property to a child care provider for employees in the state Capitol complex. Many businesses have found that the provision of on-site child care services has allowed employees to more easily locate child care services which are affordable and convenient.

Purpose

To provide for child care services in the capitol complex.

Section by Section Analysis:

Section 1. Amends Title 110A, Revised Statutes, by adding Article 6252-3e which establishes the Child Care Advisory Board (the Board), to be composed of the Governor, Lieutenant Governor, Attorney General, State Treasurer, Comptroller, Land Commissioner, and the Director of State Purchasing and General Services Commission. The Board is charged with developing and administering a child care services program for state employees who work in state-owned office buildings, establishing methods to administer and supervise the program, and submitting a report to each Legislature summarizing the implementation of the program.

In order to begin the implementation of the program, the Board is directed to provide the State Purchasing and General Services Commission (the Commission) with specifications for a child care facility site, and to work with the Commission to develop plans for the repair, renovation, and improvements necessary at the site to provide child care facilities. The Commission is directed to make the repairs, renovations, and improvements on a priority basis.

The Board is also directed to set specific performance standards for child care services under the program, prescribe the number of children a facility may serve, and monitor the activities and operations of a facility.

The Commission is directed to lease a state child care facility site to a child care provider selected by the board and to include provisions within the lease regarding terms and lease rates which may be prescribed by the Board.

The child care provider selected by the Board must be licensed by the Texas Department of Human Resources; must maintain proof of current liability insurance; indemnify the state, members of the Board, and the Commission from any claim asserted as a result of the operation of the facility or any act or omission of the child care provider or its personnel; provide any furniture, equipment, toys, or materials necessary for a child care facility; and provide salaries and insurance for the child care facility personnel.

Funds to implement this Act may be appropriated from the Capital Trust Fund, and any funds so appropriated shall not be subject to expenditure for any other purpose. Additionally, the Board may solicit, and the Commission may accept, private donations of property and funds to provide the renovations, equipment or other items necessary for child care facilities established under this Act.

The Board shall begin procedures to establish another facility or expand an existing facility when the combined number of applicants on waiting lists to enroll in child care facilities exceeds 49 applicants.

Section 2.

Amends Section 4.15, State Purchasing and General Services Act, as follows:

(a) adds the provision of child care services for state employees as a purpose of that Section, and establishes that providing a site for a child care facility in a state-owned building has first priority over all other uses of a building, except for the purposes essential to the official functions and duties of the agencies housed in the building.

(b) allows the Commission to lease space in a state-owned building to a private tenant for the purpose of providing child care services, and directs the Commission to lease suitable space to child care providers selected by the Board.

(c) adds a reference to changes in this Section and Article 6252-3e, Revised Statutes.

(d) directs the Commission to designate the use of building space most appropriate for child care.

(e) directs the Commission to furnish utilities and custodial services to a child care provider selected by the Board at cost.

(f) allows the Board, in its sole discretion, to select the child care provider through procedures other than competitive bidding.

(g) allows a tenant to assign a lease, provided the Commission approves it in writing. If the private tenant is a child care provider, any sublease or assignment must also have the prior written approval of the Board.

(h) prohibits the Commission from refusing to lease suitable space located and approved by the Board for child care facilities in state buildings to child care providers approved by the Board.

(j) exempts any building leased to a child care provider from requirements that the Commission permit the Texas Commission for the Blind to install a vending facility in the building.

(k) declares the use of space to provide child care for state employees to be a use for public purposes and that the leased space is not subject to ad valorem taxation.

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Section 3. Amends Section 5.01, State Purchasing and General Services Act, to direct the Board to determine if a child care facility should be included in a state office building constructed or substantially rehabilitated after September 1, 1989, provided that the building contains at least 100,000 square feet of net usable space. The Commission is directed to include a child care facility in either a construction or rehabilitation project if the Board determines that the child care facility should be included.

Section 4. The Board and the Commission are directed to implement this Act according to the following timetable: (1) the first Child Care Advisory Board meeting shall be conducted not later than October 1, 1989; (2) the Board shall provide the Commission with specifications for the initial child care facility not later than December 1, 1989; (3) the Commission shall provide the Board with a list of suitable sites for a child care facility not later than January 1, 1990; (4) the Board shall select a site from the list provided by the Commission not later than March 1, 1990. If the Commission cannot provide the Board with a suitable site, the Board shall select a site it considers suitable; (5) After a site has been selected, the Board and the Commission shall implement the plans to prepare the facility on a priority basis.

Section 5. Effective date: September 1, 1989.

Section 6. Emergency clause.

Rulemaking Authority

It is the opinion of the committee that this bill delegates the following rulemaking authority:

1) In Art. 6252-3e Sec. 3, the Child Care Advisory Board is granted the authority to establish by rule any procedures required to administer this act;

2) In Art. 6252-3e Sec. 6, the board is granted the authority to prescribe by rule provisions that must be included in a lease of space to a child care provider.

Comparison of Original to Substitute

The substitute adds the lieutenant governor and the executive director of the State Purchasing and General Services Commission to the members of the Child Care Advisory Board. The substitute requires the board to submit a report to the legislature each session. The substitute provides for the cooperation of the SPGSC in development of plans for and repairs of child care facilities. The substitute requires licensing under the Human Resources Code for the facility and requires the facility to maintain proof of liability. The substitute provides for appropriations from the capital trust fund and for the construction of additional facilities.

Summary of Committee Action

Pursuant to a notice posted on April 12, 1989, the committee convened in a public hearing on April 17, 1989.

Ann Richards, State Treasurer, Garry Mauro, State Land Commissioner, Mary E. Fero, representing the Attorney General's office, Cyral Miller, representing the school for the blind, and Nancy Beaver representing the Corporate Child Development Fund and the Texas Association for Education of Young Children testified for the bill.

Leo Aguirre, representing the State Comptroller and Bubba Steen executive director of the State Purchasing and General Services Commission testified on the bill.

Cathie Adams, representing herself, testified against the bill.

HB 1869 was referred to a committee to be named by the chair.

On May 1, 1989 the chair appointed the following subcommittee to consider HB 1869. Guerrero, chair; Jones; Oakley

Pursuant to an announcement on the floor, the subcommittee met in a formal meeting on May 3, 1989 and reported HB 1869 with a complete substitute back to the full committee and with the recommendation that it do pass by the record vote of 3 ayes, 0 nays, 0 PNV, and 0 absent.

On May 10, 1989, Pursuant to an announcement from the floor the full committee met in a formal meeting on the House floor. The committee voted to report HB 1869 back to the full House with a complete substitute and with the recommendation that it do pass by a record vote of 7 ayes, 0 nays, 0 PNV, and 6 absent.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

May 15, 1989

TO: Honorable James E. "Pete" Laney, Chair In Re: Committee Substitute for
Committee on State Affairs House Bill No. 1869
House of Representatives
Austin, Texas

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Committee Substitute for House Bill No. 1869 (relating to the creation of a Child Care Development Board and a Child Care Advisory Committee, and to using state-owned buildings for child care facilities) this office has determined the following:

The bill would create the Child Care Development Board composed of the Governor, Lieutenant Governor, Attorney General, Treasurer, Comptroller and the Land Commissioner to develop and administer a child care program for state employees.

The board would be authorized to use the staff, equipment, and supplies of an agency represented on the board to assist the board as necessary.

The fiscal implications to the State cannot be determined.

No fiscal implication to units of local government is anticipated.

Criminal Justice Policy Impact Statement: No change in the sanctions applicable to adults convicted of felony crimes is anticipated.

Source: State Purchasing and General Services Commission;
LBB Staff: JO, JWH, AL, PH, LV

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

April 17, 1989

TO: Honorable James E. "Pete" Laney, Chair
Committee on State Affairs
House of Representatives
Austin, Texas

In Re: House Bill No. 1869
By: Guerrero

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 1869 (relating to the creation of a Child Care Advisory Board and to using state-owned buildings for child care facilities) this office has determined the following:

The bill would create the Child Care Advisory Board composed of the Governor, Attorney General, Treasurer, Comptroller and the Land Commissioner to develop and administer a child care program for state employees.

The fiscal implications to the State cannot be determined.

No fiscal implication to units of local government is anticipated.

Criminal Justice Policy Impact Statement: No change in the sanctions applicable to adults convicted of felony crimes is anticipated.

Source: State Purchasing and General Services Commission;
LBB Staff: JO, JWH, AL, PH, CKM

H. B. No. 1869

By L Guenero

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a Child Care Advisory Board and to using state-owned buildings for child care facilities.

MAY 22 1989

LAID ON TABLE
SUBJECT TO CALL

MAR 6 1989

1. Filed with the Chief Clerk.

MAR 16 1989

2. Read first time and Referred to Committee on

State Affairs

MAY 10 1989

3. Reported favorably ^(as amended) and sent to Printer at 5:15pm
_(as substituted)

MAY 15 1989

MAY 16 1989

4. Printed and distributed at 3:34pm

MAY 17 1989

5. Sent to Committee on Calendars at 9:25am

6. Read second time (amended); passed to third reading (failed) by (Non-Record Vote) (Record Vote of _____ years, _____ nays, _____ present, not voting).

7. Motion to reconsider and table the vote by which H.B. _____ was ordered engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of _____ years, _____ nays, and _____ present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of _____ years, _____ nays, and _____ present, not voting.

9. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote of _____ years, _____ nays, _____ present, not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H. B. _____ was finally passed prevailed (failed) by a (Non-Record Vote) (Record Vote of _____ years, _____ nays, and _____ present, not voting).

12. Ordered Engrossed at _____

13. Engrossed.

14. Returned to Chief Clerk at _____

15. Sent to Senate.

Chief Clerk of the House

16. Received from the House

17. Read, referred to Committee on _____

18. Reported favorably

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

20. Ordered not printed.

21. Regular order of business suspended by

(a viva voce vote.)

(_____ years, _____ nays.)

_____ 22. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

_____ 23. Read second time _____ passed to third reading by:
(a viva voce vote.)
(_____ yeas, _____ nays.)

_____ 24. Caption ordered amended to conform to body of bill.

_____ 25. Senate and Constitutional 3-Day Rules suspended by vote of _____ yeas,
_____ nays to place bill on third reading and final passage.

_____ 26. Read third time and passed by
(a viva voce vote.)
(_____ yeas, _____ nays.)

OTHER ACTION:

OTHER ACTION:

Secretary of the Senate

_____ 27. Returned to the House.

_____ 28. Received from the Senate (with amendments,
(as substituted.)

_____ 29. House (Concurred) (Refused to Concur) in Senate (Amendments)
(Substitute) by a (Non-Record
Vote) (Record Vote of _____ yeas, _____ nays, _____ present,
not voting).

_____ 30. Conference Committee Ordered.

_____ 31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record
Vote of _____ yeas, _____ nays, and _____ present, not voting).

_____ 32. Ordered Enrolled at _____

HOUSE OF REPRESENTATIVES
MAY 16 PM 3:34 '68